



Attorney Docket No. 34061.830010.001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan M. ROBINETT and Carl SCHAUBLE

Serial No. 09/045,031

Filed: March 20, 1998

For: METHOD OF MANUFACTURING
CITRIC ACID CHELATES

Examiner: W. LANGE

Art Unit: 1754

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RESPONSE TO FIRST OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the First Office Action mailed July 21, 1998 in the above-referenced case, please enter the following amendments:

IN THE CLAIMS:

Claim 16, line 3, before "partially" insert --nitrate-free--;

claim 16, line 3, before "metal" insert --divalent--;

claim 17, line 2, delete "metal of the" and substitute therefor --divalent metal

B1 of the divalent--therefor;

C claim 23, line 4, before "metal" insert --divalent--;

claim 29, line 1, delete "metal of the" and substitute therefor --divalent metal

B2 of the divalent--therefor.

REMARKS

In the Office Action dated July 21, 1998, pending claims 16-18 and 23-30 were rejected under 35 U.S.C. § 112, first paragraph, based on the contention that the disclosure supports "divalent" metal salts. All pending claims were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,772,723, from which priority of the present case is claimed. Reconsideration and withdrawal of these rejections is requested in view of the above amendments and the Terminal Disclaimer enclosed herewith.

Each of claims 16, 17, 23 and 29 have been amended so that the metals recited are "divalent" metals. The § 112 rejection is therefore addressed. In addition, claim 16 is amended to recite a "nitrate-free" mixture, thereby clearly

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